

# Westminster Canterbury Richmond

## Notice of Privacy Practices

### **THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.**

This notice describes the privacy practices of Westminster Canterbury Richmond (“Facility”), its providers, employees, staff, and other personnel. If you have any questions about this notice, please contact the Privacy and Security Officer at (804) 264-6000, [privacy@wcrichmond.org](mailto:privacy@wcrichmond.org), or Westminster Canterbury Richmond, c/o Robert Mann, Privacy and Security Officer, 1600 Westbrook Avenue, Richmond, VA 23227.

### **YOUR HEALTH INFORMATION RIGHTS**

We understand that medical information about you and your health is personal. We are committed to protecting medical information about you. We create a record of the care and services you receive through the Facility. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all the records of your care generated for services through the Facility.

This notice will tell you about the ways in which we may use and disclose medical information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of medical information.

We are required by law to:

- make sure that medical information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to medical information about you;
- notify affected individuals of any breach of unsecured protected health information; and
- follow the terms of our notice of privacy practices as in effect and modified from time to time.

### **HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU**

The following categories describe different ways that we use and disclose medical information. For each category of uses or disclosures we will explain what we mean and may provide examples. Not every use or disclosure in a category will be listed.

- **For Treatment.** We may use medical information about you to provide medical treatment or services. We may disclose medical information about you to health care providers, nurses, technicians, or other Facility personnel who are involved in taking care of you. For example, a physician treating you for another condition may need to know what medications you have received. Various individuals at the Facility also may share medical information about you in order to coordinate the different things you need, such as prescriptions, lab work, and similar care. We may make a professional judgment to determine whether it is in your best interest to disclose medical information about you to people outside of the Facility who may be involved in your medical care, such as other health care providers, physicians, or family members involved in your treatment.
- **For Payment.** We may use and disclose medical information about you so that the treatment and services you receive at the Facility may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give your health plan information about care you received at the Facility so your health plan will pay us or reimburse you for the care. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

- **For Health Care Operations.** We may use and disclose medical information about you for health care operations of the Facility. These uses and disclosures are necessary to run the Facility and make sure that all our residents receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many Facility residents to decide what additional services the Facility should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to physicians, nurses, and technicians, as well as Facility personnel for review and learning purposes. We may also combine the medical information we have with medical information from other healthcare facilities to compare how we are doing and see where we can make improvements in the care and services we offer.
- **Business Associates.** We are permitted by law to utilize business associates to carry out treatment, payment or health care operation functions that may involve the use and disclosure of some of your health information. For example, we may use a billing service or accounting service to handle some billing and payment functions. We may also use healthcare consultants to assist us in improving or upgrading services we offer to residents. However, in any such instance, unless the disclosure of health information is to another health care provider for the purpose of providing treatment, we will have entered into a formal agreement with the business associate that requires the business associate to maintain the confidentiality of any resident information received and generally requires the business associate to limit its use of such information to only the purpose for which it was disclosed by us.
- **Appointment Reminders.** We may use and disclose medical information to contact you as a reminder that you have an appointment for treatment or medical care at the Facility.
- **Treatment Alternatives.** We may use and disclose medical information to tell you about or recommend possible treatment options or alternatives that may be of interest to you.
- **Health-Related Benefits and Services.** We may use and disclose medical information to tell you about health-related benefits or services that may be of interest to you.
- **Individuals Involved in Your Care or Payment for Your Care.** Unless you object, we may release medical information about you to a friend, family member or other individual who is involved in your medical care. We may also give information to someone who helps to pay for your care. We may also use and disclose information about you to notify, or to assist in notifying, a family member or friend of your location or condition, but except in emergency circumstances, or circumstances in which you are not available or are incapacitated, you will generally be given an opportunity to object.
- **Research.** Under certain circumstances, we may use and disclose medical information about you for research purposes. For example, a research project may involve comparing the health and recovery of all residents who received one medication to those who received another, for the same condition. Where consistent with the research goals and purposes, we will use or disclose only de-identified information, so that your identity cannot be ascertained from the information disclosed. When research cannot be conducted with such de-identified information, we will usually ask for your specific authorization for such use or disclosure. However, some research projects that involve information gathering may be adversely affected by requiring prior resident authorization before otherwise confidential information can be used or disclosed for research purposes. In those circumstances, research projects are subject to a specific and comprehensive approval process. This process evaluates the proposed research project and its use of medical information, trying to balance research needs with residents' rights to privacy of medical information. Before we use or disclose medical information for research under such circumstances, the project will have been approved by an Institutional Review Board (IRB) or a specially designated privacy board, which will be required to determine whether the nature of the research is such that it could not be conducted if prior authorization was required and will be required to determine that adequate protections are in place to protect health information from unauthorized use or disclosure. However, as part of the research process we may disclose medical information about you to individuals preparing to conduct the research project, for example, to help them look for residents with specific medical needs, but any such medical information will not be allowed to leave our offices.

- **Fundraising.** We may engage in fundraising activities and may use medical information to tell you about those initiatives that may be of interest to you. You have the right to opt out of all fundraising communications or a specific fundraising communication and will be given an opportunity to do so. If you wish to opt out of future fundraising communications, contact the Privacy and Security Officer at the phone number or address given below.
- **As Required by Law.** We will disclose medical information about you when required to do so by federal, state or local law.
- **To Avert a Serious Threat to Health or Safety.** We may use and disclose medical information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person, consistent with applicable law. Any disclosure, however, would only be to someone able to help prevent or lessen the threat.
- **Directory:** Unless you object, we may include your name, and location in a directory that we maintain. That directory information may be released to anyone who asks for you by name. In addition, if you provide your religious affiliation information, your religious affiliation and other directory information may be given to members of the clergy of the religious institution you identify even if they do not ask for you by name.

### **SPECIAL SITUATIONS**

- **Organ and Tissue Donation.** If you are an organ donor, we may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.
- **Military and Veterans.** If you are a member of the armed forces, we may release medical information about you as required by military command authorities. We may also release medical information about foreign military personnel to the appropriate foreign military authority.
- **Workers' Compensation.** Where required or permitted by state law, we may release medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.
- **Public Health Risks.** Where required or permitted by state and federal law, we may disclose medical information about you for public health activities. These activities generally include the following:
  - to prevent or control disease, injury or disability;
  - to report births and deaths;
  - to report child, abuse or neglect;
  - to report reactions to medications or problems with products;
  - to notify people of recalls of products they may be using;
  - to notify the appropriate government authority if we believe a resident has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.
- **Health Oversight Activities.** We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.
- **Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose medical information about you in response to a court or administrative order. We may also disclose medical information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but typically only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.
- **Law Enforcement.** We may release medical information if asked to do so by a law enforcement official:
  - in response to a court order, subpoena, warrant, summons or similar process;
  - to identify or locate a suspect, fugitive, material witness, or missing person;
  - about the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
  - about a death we believe may be the result of criminal conduct;

- about criminal conduct at our offices; and
- in emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.
- **Coroners, Medical Examiners and Funeral Directors.** We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about residents of the Facility to funeral directors as necessary to carry out their duties.
- **National Security and Intelligence Activities.** We may release medical information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.
- **Protective Services for the President and Others.** We may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.
- **Custody of Law Enforcement.** If you are under custody of a law enforcement official, we may release medical information about you to the correctional institution or law enforcement official. This release would be necessary for the institution to provide you with health care, to protect your health and safety or the health and safety of others or for the safety and security of the correctional institution.
- **Substance Use Disorder Records.** To the extent we receive records from programs subject to 42 CFR part 2 that identify an individual as suffering from a substance use disorder, unless otherwise permitted by law, we will not use or disclose those records in civil, criminal, administrative, or legislative proceedings against the individual unless based on written consent, or a court order after notice and an opportunity to be heard is provided to the individual or us, as provided in 42 CFR part 2.

#### **YOUR RIGHTS REGARDING MEDICAL INFORMATION ABOUT YOU**

You have the following rights regarding medical information we maintain about you:

- **Right to Inspect and Copy.** You have the right to inspect or obtain copies of your medical information that may be used to make decisions about your care. Usually, this includes medical and billing records, but does not include psychotherapy notes. You or your legal representative has the right upon oral or written request, to access your records including current clinical records within 24 hours (excluding weekends and holidays). If you request a copy of the information, there will be a charge for labor, supplies, and postage. We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to medical information, you may request that the denial be reviewed by another licensed health care professional. We will comply with the outcome of the review.
- **Right to Amend.** If you feel the medical information that we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for the Facility. To request an amendment, your request must be made in writing and submitted to the Privacy and Security Officer at the address set forth below. In addition, you must provide a reason that supports your request.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the medical information kept by or for the Facility;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

You will be informed of the decision regarding any request for amendment of your medical information. If we deny your request for amendment, we will provide you with information regarding your right to respond to that decision.

- **Right to an Accounting of Disclosures.** You have the right to request an "accounting of disclosures." This is a list of

the disclosures we made of medical information about you. In most cases, this list will not include disclosures made for purposes of treatment, payment, or health care operations, or that were made in response to a specific authorization from you. To request this list or accounting of disclosures, you must submit your request in writing to the Privacy and Security Officer at the address set forth below. Your request must state a time period which may not be longer than six years. The first list you request within a 12-month period will be free. For additional lists, there will be a charge per page and for postage.

- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the medical information we use or disclose about you for treatment, payment or health care operations. For example, you could ask that we not use or disclose information about a surgery you had. We are not required to agree to your request, other than a request that we not disclose information to a health plan for payment or health care operations where the request relates only to a health care item or service for which we have been paid in full by someone other than the health plan. If we do agree, we will comply with your request unless the information is needed to provide you with emergency treatment. To request restrictions, you must make your request in writing to the Privacy and Security Officer at the address set forth below. In your request, you must tell us what information you want to limit, whether you want to limit our use, disclosure or both and to whom you want the limits to apply.
- **Right to Request Confidential Communications.** You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request by writing to the Privacy and Security Officer at the address set forth below. We will not ask you for the reason for your request. Your request must specify how or where you wish to be contacted.
- **Right to a Paper Copy of This Notice.** You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. To obtain a paper copy of this notice, contact the Privacy and Security Officer or visit the Tower Front Desk.
- **Language Assistance and Auxiliary Aids.** The Facility provides language assistance services and auxiliary aids and services free of charge to individuals whose primary language is not English. If you need these services or aids, please contact the Privacy and Security Officer at the phone number or address given below.

#### **CHANGES TO THIS NOTICE**

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for medical information we already have about you as well as any information we receive in the future. We will post a copy of the current notice on our website, MyWCR, and at the Tower Front Desk. The notice will contain on the first page, in the top right-hand corner, the effective date. You may also obtain a copy of any current notice by submitting a written request to the Privacy Officer at the address set forth below.

#### **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with the Facility or with the Secretary of the Department of Health and Human Services. To file a complaint with the Facility, contact the Privacy and Security Officer at the phone number or address set forth below. All complaints to the Department of Health and Human Services must be submitted in writing. You will not be penalized for filing a complaint.

**OTHER USES OF MEDICAL INFORMATION**

Other uses and disclosures of medical information not covered by this notice or the laws that apply to us will be made only with your written authorization. Your written authorization will typically be required for most uses and disclosures of psychotherapy notes, most uses and disclosures for marketing, and most arrangements involving the sale of protected health information. To the extent that your authorization is required to allow the Facility to disclose information, you may revoke your authorization, in writing, at any time. If you revoke your authorization, we will no longer use or disclose medical information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made in reliance upon your prior authorization, and that we are required to retain our records of the care that we provided to you.

**Privacy and Security Officer**

You may contact the following office with any concerns:

Westminster Canterbury Richmond  
c/o Robert Mann – Privacy and Security Officer  
1600 Westbrook Ave.  
Richmond, VA 23227  
privacy@wcrichmond.org  
(804) 264-6000